REMARKS

The Non-Final Office Action mailed May 11, 2010 considered and rejected claims 17-25 and 29. Claim 29 was rejected under 35 U.S.C. § 101 because computer-readable medium appears in the preamble. Claims 17-25 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maurille et al., U.S. Patent No. 6,484,196 (filed Mar. 20, 1998) (hereinafter Maurille) in view of Carney et al., U.S. Patent No. 7,451,444 (filed Sep. 30, 2003) (hereinafter Carney).[1]

By this response, claims 17, 22, and 29 are amended. Claims 17–25 and 29 remain pending. Claims 17, 22, and 29 are independent claims which remain at issue. Support for the amendments may be found, *inter alia*, within Specification ¶¶ 0029–0046.[2]

Rejection Under 35 U.S.C. § 101:

Claim 29 was rejected under 35 U.S.C. § 101 "because computer-readable medium appears in the preamble" and the Examiner interprets computer-readable medium to include "transitory propagating signals."[3] Claim 29 has now been amended to recite "computer-readable *storage* medium" to explicitly limit the claim to tangible storage media (as is discussed in Specification ¶ 0074) and to exclude propagating signals.[4] Accordingly, the Applicants respectfully request the rejection under 35 U.S.C. § 101now be withdrawn.

Rejections Under 35 U.S.C. § 102:

Independent claims 17, 22, and 29 were rejected under 35 U.S.C. § 103 as being unpatentable in view of Maurille and in view of Carney.[5] The Applicants respectfully disagree.

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[1] Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. No. 2005/0198127 (Sep. 8, 2005). It should also be noted that the claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

[3] Office Communication pp. 2–3.

[4] The Applicants respectfully note that the Office has suggested using "non-transitory" language in the claim but, as non-transitory is not defined in the Specification, the Applicants preferably use "storage" to limit the claim as it is a term which is discussed in the Specification. Additionally, the Applicants respectfully disagree that a signal may not be considered statutory subject matter and, although presently amending the claim to exclude signals, reserve the right to pursue a claim covering a signal at some future time as may be considered appropriate.

[5] Office Comm. p. 4 et seq.

In particular, the Office asserted that the combination of Maurille and Carney teach locking the conversation group, the lock preventing a disparate requestor from accessing the one or more messages.[6] The Office asserted that Maurille teaches "locking the conversation group" and Carney dislcoses "the lock preventing a disparate requestor from accessing the one or more messages."[7] The Office asserted that the combination of Maurille col. 2 l. 65–67 and Carney col. 2 l. 11–25 teaches this limitation. The cited combination of references reads:

> "a system allowing message locking (conversation history plus agreement capabilities);"[8] and
>
> "A dispatching mechanism 36 is interposed between the resource requesting threads 34 and the specialized service agents 32. The dispatching mechanism 36 is configured such that it can handle thread requests in a disparate computer processing environment. The disparate computer environment arises because the threads 34 requesting services operate asynchronously with respect to each other whereas the service agents 32 operate using a different processing paradigm. As an illustration, the service agents 32 may operate synchronously with respect to each other."[9]

The Applicants respectfully submit that the cited portions of Maurille and Carney – reproduced above – fail to teach or suggest "locking the conversation group, the lock preventing a disparate requestor from accessing the one or more messages." The Applicants note that the message locking of Maurille is not the same as "locking the conversation group" as is recited in the claim.[10] Further, the entire limitation requires that locking the conversation group prevents a disparate requestor from accessing the one or more messages [of the conversation group identified by the group identifier]. The cited portion of Carney mentions only a "disparate computer environment" but it fails to supply the prevention of disparate requestors from accessing the messages as is explicitly recited in the claim (and which the Office concedes that Maurille fails to teach). The Applicants submit that a reasonable reading of the cited portion of

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[6] Office Comm. p. 5.
[7] Office Comm. p. 5.
[8] Maurille col. 2 l. 65–67.
[9] Carney col. 2 l. 11–25.
[10] Maurille mentions that it *allows* "message locking" which is not necessarily the same as *enabling* message locking. Further, "conversation history" of Maurille is defined by Maurille as "enabling users to view the history of multiple conversations with multiple parties (referred to hereinafter as 'conversation history')." Maurille col. 1 l. 15–18.

Carney – provided above – reveals that Carney fails to disclose the lock preventing a disparate requestor from accessing the one or more messages (which have been locked).

Further, the Office asserted that Carney fig. 19 and col. 5 l. 36–55 teaches "when a reader has finished processing the messages, receiving a notification from the reader to release the lock."[11] The cited portion of Carney are provided here:

> "FIG. 19 shows that the spawner has created service agent B which triggers the free pool entry event. The event notification results in the requesting thread acquiring the pool lock. FIG. 20 shows that the requesting thread has acquired the pool lock. Because service agent B is available in the free pool, it can be used to service the request of the requesting thread. When a service agent is created, it initializes and enters the pool of free (unemployed) service agents, awaiting a request to operate upon. A requesting thread prepares the service-specific parameters by passing their addresses/values in a generic way to the direct dispatch method, such as in a control block instance that is private to the requesting thread."[12]

The Applicants respectfully submit that Carney discloses a service agent "enter[ing] the pool of free . . . agents, awaiting a request to operate upon." Carney discusses an agent which awaits a request for it to operate on. Carney does not, however, teach or suggest a reader finishing processing a message or receiving notification to release a lock from the reader (who has finished with the message).

For at least the distinctions noted, inter alia, the Applicants submit that rejections under 35 U.S.C. § 103 in view of Maurille and in view of Carney are improper and should be withdrawn. The traversal of the rejections notwithstanding, however, the Applicants have amended the independent claims to more particularly point out particular embodiments of the invention.[13] The Applicants submit that the cited references fail to teach or suggest all the limitations of the claims as now presented.

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[11] Office comm. pp. 5–6.

[12] Carney col. 5 l. 36–55.

[13] As the Applicants have traversed the rejections, the Applicants note that the amendments are not presented to overcome any particular rejections. The Applicants hereby reserve the right to pursue any subject matter at such a time as may be considered to be appropriate.

In particular, as to independent claims 17 and 29, the cited references fail to teach or suggest linking the one or more messages by a unique group identifier. The cited references also fail to teach or suggest locking the conversation group, the lock preventing a disparate requestor from accessing the one or more messages linked by the unique group identifier. The cited references also fail to teach or suggest providing exclusive serial access to the messages linked by the unique group identifier such that only one service can process linked messages at any time. The cited references also fail to teach or suggest when a reader has finished processing the linked messages, receiving a notification from the reader to release the lock on the conversation group.

Because of at least the distinctions noted, *inter alia*, the Applicants submit that rejections under 35 U.S.C. § 103 in view of Maurille and in view of Carney are improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of independent claims 17 and 29 (as well as the respective dependent claims).

As to independent claim 22, the cited references fail to teach or suggest associating the message and other related messages with a conversation group identified by a unique group identifier. The cited references also fail to teach or suggest locking the conversation group via the unique group identifier. The cited references also fail to teach or suggest providing exclusive access to one or more messages of the conversation group identified by the unique group identifier to the requestor. The cited references also fail to teach or suggest when the requestor has finished processing the linked messages, receiving a notification from the requestor to release the lock on the conversation group.

Because of at least the distinctions noted, *inter alia*, the Applicants submit that a rejection of claim 22 under 35 U.S.C. § 103 in view of Maurille and in view of Carney are improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of independent claim 22 (as well as the respective dependent claims).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any

of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 11th day of August, 2010.

Respectfully submitted,

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